

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Company,)
)
Plaintiff,) Case No. 1:02-CV-439
)
vs.)
)
Malease Food Corporation,)
)
Defendant.)

O R D E R

Pursuant to the mandate from the Court of Appeals in
The Kroger Co. v. Malease Food Corp., __F.3d__, No. 04-4512, 2006
WL 300432 (6th Cir. Feb. 9, 2006), this Court's order of November
23, 2004 (Doc. No. 60) directing Defendant Malease Food
Corporation to show cause is hereby **VACATED**. The complaint is
DISMISSED WITHOUT PREJUDICE for lack of personal jurisdiction
over Malease Food Corporation. **THIS CASE IS CLOSED.**

IT IS SO ORDERED

Date March 8, 2006

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court